

Capital Cities/ABC Inc., 37 West Wacker Drive, Chicago, Illinois 60601-1481



Dvora Wolff Rabino
General Attorney
Legal Counsel

June 4, 1996

HAND DELIVER

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, DC 20554

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JUN - 3 1996

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Dear Mr. Caton:

On behalf of Capital Cities/ABC, Inc., transmitted herewith for filing with the Commission are an original and six copies of its Reply Comments in MM Docket No. 96-90.

If there are any questions in connection with the foregoing, please contact the undersigned.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dvora Wolff Rabino".

Dvora Wolff Rabino

DWR/ak
Enclosures

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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In the Matter of)
)
Implementation of Section 203)
of The Telecommunications) MM Docket No. 96-90
Act of 1996)
(Broadcast License Terms))

REPLY COMMENTS OF CAPITAL CITIES/ABC, INC.

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FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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In the Matter of)
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To: The Commission

REPLY COMMENTS OF CAPITAL CITIES/ABC, INC.

Capital Cities/ABC, Inc. ("CC/ABC") hereby submits its reply comments in response to the Commission's Notice of Proposed Rulemaking ("Notice") in the above-captioned proceeding.

We endorse the Commission's proposal to extend broadcast license terms to the maximum eight years authorized by Congress in the Telecommunications Act of 1996. We also request that the Commission take this opportunity to clarify its rules concerning network broadcast auxiliary license terms and renewal dates.

I. The Commission Should Extend License Terms to Eight Years.

We agree with the Commission that radio and television broadcast license terms should be extended to the eight years authorized by Congress in the Telecommunications Act of 1996. As noted in the Comments of the National Association of Broadcasters, such action would be consistent with Congressional intent and with

the Commission's past practice.¹ The legislative history to the Telecommunications Act indicates that Congress intended the Commission to adopt the maximum term. (See Notice at ¶ 6 and legislative history cited therein.) In addition, the Commission previously granted license renewals for the maximum length of time allowed by Congress, and there is no reason to depart from that practice now. (*Id.*) Finally, as the Commission points out, longer license terms will mean less paperwork for licensees to complete and for the Commission to review. (*Id.*) The Commission retains the authority to grant shorter renewals in particular cases where it believes the public interest so warrants.

We also agree that radio stations in the renewal cycle that began last October should have their renewal terms extended from seven to eight years by Commission rule, in order to preserve the Commission's synchronized schedule of license renewals.

II. The Commission Should Clarify the Renewal Periods for Network Broadcast Auxiliary Licenses.

The Commission notes that auxiliary and booster facilities for broadcast stations currently have their license terms tied to the terms of the stations with which they are associated. Notice at Par. 10. These provisions are set forth in Sections 74.15(b) and (c) of the Commission's rules. We agree with the Commission's

The Notice is silent, however, concerning auxiliary facilities used by television and radio networks. Section 74.15(b) states:

Licenses held by eligible networks for the purpose of providing program service to affiliated stations under Subpart D of this part, and by eligible networks, cable television operators, motion picture producers and television program producers under Subpart H of this part will be issued for a period running concurrently with the normal licensing period for broadcast stations located in the same area of operation.

In our judgment, a sensible reading of this rule would be to issue auxiliary licenses to radio networks for terms coextensive with radio stations located in the same area of operation, and to issue auxiliary licenses to television networks for terms coextensive with the terms of television stations in the same area. However, the rule has not always been interpreted that way. In at least one case, a CC/ABC Subpart D radio network auxiliary was renewed for the shorter television license term (five years) rather than the full seven-year radio term. Similarly, CC/ABC's Subpart D and H licenses for television network auxiliary facilities have sometimes been granted renewal terms coextensive with radio stations in their areas, even though the renewal application was filed on the television date. This inconsistent practice has created a hodgepodge of different expiration dates for network auxiliary licenses of the same type in the same state and has resulted in shorter-term renewals and more frequent renewal applications than necessary, creating an extra burden for both licensees and the Commission.

We believe it would be preferable for all licenses for a given network entity in the same state to come up for renewal at once. Therefore, we request that the Commission take this opportunity to distinguish in Section 74.15(b) between television and radio networks and specify that television network auxiliary licenses shall have terms running concurrently with television broadcast stations located in the same area, and that radio network auxiliary licenses shall have terms running concurrently with radio broadcast stations located in the same area. Also, because it would be confusing and administratively cumbersome to have yet another standard apply for video microwave licenses under Section 74.15(f), which currently provides for an expiration date five years from the beginning of the month in which the grant occurred, we urge that the renewal terms for video microwave licenses run concurrently with the terms for television network auxiliary licenses granted under Subparts D and H.

Conclusion

Capital Cities/ABC endorses the proposed extension of broadcast license terms to eight years and urges the Commission to clarify its rules concerning television network broadcast auxiliary license terms and renewal dates.

Respectfully submitted,

By: *Dvora Wolff Rabino*

Sam Antar
Vice President, Law & Regulation

Dvora Wolff Rabino
General Attorney, Law & Regulation

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